IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 10664 of 2002

Between:

Chand Pasha S/o. late Shaik Mohammed
4-16-81, Hasan Nagar,
Hyderabad.

..... PETITIONER

AND

1. The Government of Andhra Pradesh Rep. by its Principal Secretary, MA&UB, Secretariat, Hyderabad.
2. The Commissioner, Municipal Corporation of Hyderabad,
Tankbund Road, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or directions particularly in the nature of Writ of Mandamus declaring the action of the 2nd Respondent for not taking action against the land grabbers who occupied and road adjoining to the Door Nos.19-2-262/262, Misrigunj, Mustafanagar Road, Hyderabad and thereby 40 feet road has become 15 feet road resulting road jam on account of traffic as illegal, arbitrary, contrary to law and Municipal Act besides violation of Article 21 of the Constitution of India and consequently directing the respondents to take appropriate legal action against the land grabbers by removing the encroachments on the road as well as action against the concerned who allowed to raise constructions on the Roads.

Counsel for the Petitioner: Mr. M.V.RAJA RAM

Counsel for the Respondent No.2: Mr. GANTA RAMA RAO

Counsel for Respondent No.1: G.P. for M.A. & U.D.

(not present)

The Court made the following :

ORAL ORDER:

(per Honourable Sri Devinder Gupta, the Chief Justice)

This Writ Petition has been filed as Public Interest Litigation. Rule nisi was issued on 22.8.2002. Till date there is no counter-affidavit on record.

The petitioner has sought direction in this Writ Petition against Respondent No.2 for taking action against land grabbers occupying the road adjoining the Door Nos. 19-2-262/262, Misrigunj, Mustafanagar Road, Hyderabad. It is alleged that because of encroachment 40 feet road has become 15 feet road resulting in traffic jam and the grabbers started letting out to various persons by obtaining municipal door numbers in collusion with the M.C.H. staff.

Except placing on record three photographs, petition is not supported by any documents. In such like a petition, which lacks material particulars, hardly, any direction can be issued, except, by directing respondents to treat the Writ Petition itself as representation, and, then, to pass appropriate orders thereupon in accordance with law. Accordingly, we dispose of the Writ petition with direction to respondents to treat the writ petition itself as representation and take appropriate decision thereupon within a period of two months from the date of the receipt of the

Writ order from the Court. No costs.

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DEVINDER GUPTA, C.J.

24.1.2005.

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M.NARAYANA REDDY, J.

VR.

To

1. The Principal Secretary to Government of Andhra Pradesh, Municipal Administration &Urban Development, Secretariat, Hyderabad.
2. The Commissioner, Municipal Corporation of Hyderabad, Tankbund Road, Hyderabad.

3. Two CCs to Government Pleader for Municipal Administration and Urban Development, High Court Buildings, Hyderabad (OUT).

4. Two CD copies.